

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 253 of 1999

AND

APPEAL FROM ORDER NO.254 OF 1999.

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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RASHIDBHAI REHMANBHAI SHAIKH

Versus

MAHMONDYUNUS IBRAHIMBHAI                      SABUWALA

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Appearance:

MR PV NANAVATI for Petitioner

MR MM TIRMIZI for Respondent No. 1

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 12/05/99

#### ORAL JUDGEMENT

Admit. Mr.Yatin Soni waives service of notice for respondent No.1 and Mr.S.M.Shah waives service of notice for the rest of the respondents.

Having heard the learned Counsel for the parties, I am of the opinion that the equitable order to pass would be that both the plaintiffs and the defendants shall be entitled to have access to the cellar in which according to the respondents there is a club house. The disputed board, which has been put up outside the cellar will have no effect on the rights and contentions of the parties. No charge will be demanded by any party from any other party. By consent, the directions given by the trial court for taking steps for regularisation are deleted.

Both the appeals are accordingly disposed of.

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